DE1700 USSN: 10/599,913

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hyae Gyeong Cheon, et al.

Group Art Unit: 4161

Serial No.: 10/599,913

Examiner: Bong-Sook Baek

Filed: October 23, 2006

Confirmation No.: 6550

For:

INDENE DERIVATIVES AND PROCESS FOR THE PREPARATION

THEREOF

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Sir:

In response to the outstanding Restriction Requirement under 35 USC 121 and 35 USC 372 dated May 9, 2008, Applicant elects Group I inclusive of claims 1-4, 8 and 9 drawn to a compound and a composition, and chooses as the elected species i) 1-hydroxy-6-(2-morpholine-4-ylethoxy)-1,3-diphenyl-1H-indene-2-carboxylic acid ethyl ester (Example 8), which corresponds to an indene derivative of Formula (I) wherein R<sub>1a</sub> is OH, R<sub>1b</sub> is phenyl, R<sub>2</sub> is CO<sub>2</sub>-ethyl, R<sub>3</sub> is phenyl, R<sub>4</sub>, R<sub>5</sub> and R<sub>7</sub> are each hydrogen, and R<sub>6</sub> is OCH<sub>2</sub>CH<sub>2</sub>N(CH<sub>2</sub>CH<sub>2</sub>)<sub>2</sub>O.

Applicant further elects diabetes from the different disease conditions.

The above election is made without traverse.

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The Commissioner is authorized to deduct any fees required in the prosecution of this application to Deposit Account No. 504581.

Respectfully submitted,

Dated: June 4, 2008

CUSTOMER NO.: 79681

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Eugene Lieberstein

Registration No. 24,645

## **CERTIFICATE OF TRANSMISSION**

I hereby certify that this Response is being submitted to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 via EFS-Web on June 5, 2008. Audrey de Syx

Audrey de Souza

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